IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 20225 of 1994

Between:

Sri N.V. Krishna Rao, s/o Late N. Ramachandra Rao,
R/o 12-11-211, Seethaphalmandi,
Secunderabad.

..... PETITIONER

AND

1 The Commissioner of College Education
College Education, Hyderabad.
2 the Chairman,
Badruka college, 4-5-46,
Sultan Bazar, Hyderabad.
3 Hon'ble Secretary
Badruka college of Commerce & Arts, Kachiguda,
Hyderabad.
4 The Principal,
Badruka college of Commerce & Arts, Kachiguda,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or order or direction in the nature of writ declaring the inaction of the respondents in not releasing the amount of earned leaves which is sanctioned and the act of the 2nd 3rd, & 4th respondent sin not realising the amount of E.L. and not forwarding the bill of E.L. of the

petitioner to the 1st respondent though he had retired from service w.e.f. 31.12.1993 immediately and to realize the same in favour of the petitioner, the action of the respondents in not realising the said amount is illegal, arbitrary, unconstitutional and violative of Articles 14, 16, and 300 A of the Constitution of India and in violation principles of natural justice and equity and to direct the respondents to pay the amount of earned leave by determining the amount of earned leave basing on the salary of the petitioner last drawn and pass such other order or orders.

Counsel for the Petitioner: SMT.D.S.R.KRISHNA

Counsel for the Respondent No.1:THE G.P. for Higher Education

Counsel for the Respondents 2 to 4: SRI PRAVEEN VYAPARI

The Court made the following:

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ORDER:

This writ petition is filed by the petitioner for declaring the inaction

of the respondents in not releasing the amount of Earned Leave, which is sanctioned to him, and the action of the respondents 2 to 4 in not releasing the amount of Earned Leave and not forwarding his bill of Earned Leave to the 1st respondent, though he retired from service with effect from 31.12.1993, as illegal, arbitrary, unconstitutional and violative of Articles-14, 16 and 300-A of the

Constitution of India and consequently, for a direction to the respondents to pay the amount of Earned Leave by determining the same basing on the last drawn salary of the petitioner.

2. Heard both the counsel.

3. From the record and as per the petitioner's own assertion, it appears that his claim for encashment of Earned Leave for the period during 1771-79 was rejected by the respondents as early as in the year 1986, vide letter No.529/1986-87, dated 26.06.1986. When the said claim was rejected, as early as in the year 1986, it is not known as to what the petitioner was doing all these years as the present writ petition was filed in the year 1994. Hence, this writ petition is liable to be dismissed on the sole ground of laches.

4. Further, in the counter-affidavit filed by the management of the respondent-college, it is categorically stated that in the meeting of the governing council of the college held in 17.03.1993, the request of the petitioner was considered and the governing council has decided to compensate him in the form of conveyance charges at the rate of Rs.15/- per day for the entire period for which he has worked on account of stock verification during the summer holidays. As the petitioner claimed that he had worked 207 days in all, the management without any objection has agreed to pay the entire amount towards conveyance charges for 207 days at the rate of Rs.15/- per day.

5. In the light of the above, I see no merits in this writ petition and accordingly, the same is dismissed. However, it is directed that if the amounts are not paid to the petitioner, as stated by the management of the respondent-college in their counter-affidavit, the management of the respondent-college is hereby directed to pay the same as early as possible, preferably, within a period of four weeks from the date of receipt of a copy of this order.

GOPALA KRISHNA TAMADA, J

05.08.2004

DR

To

1 The Commissioner of College Education
College Education, Hyderabad.
2 the Chairman,
Badruka college, 4-5-46,
Sultan Bazar, Hyderabad.
3 Hon'ble Secretary
Badruka college of Commerce & Arts, Kachiguda,
Hyderabad.
4 The Principal,
Badruka college of Commerce & Arts, Kachiguda,
Hyderabad.

5 Two ccs to the G.P. for Higher Education, High Court Buildings, Hyderabad.

6. Two CD copies.